

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of ALYSIA PRICE, a/k/a BABY  
GIRL MURPHY, Minor.

---

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TYRIE PRICE, a/k/a IRISKA PRICE,

Respondent-Appellant.

---

UNPUBLISHED  
February 12, 2008

No. 280008  
Macomb Circuit Court  
Family Division  
LC No. 2006-000356-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court must terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The minor child came into care because her mother tested positive for cocaine at the child's birth. At the time, respondent was incarcerated, and his failure to support the financial, emotional, and physical needs of his daughter were also conditions of adjudication. The parental rights of the minor child's biological mother were terminated. After respondent was released from prison the court ordered that it would not reunify him with the minor child if he were planning to remain in a relationship with the biological mother. Despite this court order, there

---

<sup>1</sup> Although respondent also challenges the termination of his rights under MCL 712A.19b(3)(b)(iii), our review of the record establishes that the trial court did not rely on this statutory subsection in terminating respondent's parental rights.

was evidence that respondent continued a relationship with the child's mother, who used respondent's address as hers. An incident occurred where the police were summoned to respondent's address and found the biological mother under the influence of drugs. Further, a separate incident was noted involving a bail bondsman going to respondent's address looking for the biological mother, believing that this was her address, which resulted in an altercation and the discharge of a chemical agent into respondent's home. The trial court found that such incidents demonstrated that respondent's continuing relationship with the child's mother prevented him from adequately providing for the child's emotional and physical needs and would place the child in harm's way if she were returned to respondent's care. Respondent was given adequate time to plan for minor child yet, despite the trial court's order, failed to exclude the biological mother from his plan. Thus, the trial court did not clearly err in finding the statutory grounds were established by clear and convincing evidence.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). Testimony established that respondent loved his daughter and wanted the opportunity to be a good father. However, the child was in the care of the Department of Human Services (DHS) her entire life and needed a safe, permanent and stable environment. Although respondent visited his child and had established a home, he was not able to provide her with a safe environment because his plan to provide care failed to exclude the child's biological mother.

Affirmed.

/s/ Michael J. Talbot  
/s/ Mark J. Cavanagh  
/s/ Brian K. Zahra